IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 7740 of 2007(U)

PETITIONER:

K.M.ALIYAR, BLOCK PROGRAMME OFFICER, SARVA SHIKSHA ABHIYAN, BLOCK RESOURCE CENTRE, KOTHAMANGALAM, ERNAKULAM.

BY ADV. SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB

RESPONDENTS:

1. STATE PROJECT DIRECTOR, SARVA SHIKSHA ABHIYAN, KERALA, TRIVANDRUM.

2. DISTRICT PROJECT OFFICER, SARVA SHIKSHA ABHIYAN, KOTHAMANGALAM, ERNAKULAM.

3. DIRECTOR, HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDING, SHANTINAGAR, THIRUVANANTHAPURAM.

4. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

5. DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 7740 OF 2007 U

Dated this the 9th March, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner was working as HSA. The post of HSA is included among the feeder categories for appointment as Block Programme Officer as evident from Ext.P1. By Ext.P1, applications were called. Petitioner applied. Ext.P2 is the order dated 20.6.2003. It is stated therein that the Government have examined the proposal of the State Project Officer in detail and are pleased to issue orders for the appointment of Block Programme Officers for the implementation of SSA. It is pursuant to the same that Ext.P3 was passed. In Ext.P3 it is stated that the Government have appointed various persons including the petitioner. (No doubt, Ext.P3 was issued by first respondent.) Further case of petitioner is that petitioner was initially appointed for a period of two years. No Objection Certificate was issued for a period of two years. Ext.P4 shows

that the petitioner who was working as HSST (Junior) was given a No Objection Certificate by the Director of Higher Secondary Education for continuing for a period of two years from 17.7.2005. Thereafter, petitioner was promoted as HSST. He gave Ext.P5. Therein, he requested that steps be taken to continue him in the scale applicable to a HSST. But, instead, it is his case that Ext.P6 order was issued by first respondent. Therein, referring to G.O. dated 10.4.2002, the first respondent found that HSSTs are not eligible to be appointed as Block Programme Officer under SSA. Petitioner came to be reverted. Further, he was asked to report before the Deputy Director of Education, Ernakulam provided no liability is outstanding against him. Petitioner complains that he was eligible to be appointed as Block Programme Officer being a HSA at the time of appointment. He was subsequently appointed as HSST (Junior). Only because the petitioner demanded the pay scale applicable to HSST, Ext.P6 order was passed, it is submitted. Petitioner also complains that he was asked to report before the

Deputy Director of Education who has nothing to do with Higher Secondary Education. In such circumstances, petitioner submitted Ext.P7 before first respondent. Therein, he has stated that he is even prepared to relinquish his appointment as HSST so that he may be prepared to continue as before. Heard the learned Government Pleader also. Without expressing any view on the merits of the petitioner's claim, the Writ Petition is disposed of directing first respondent to consider and take a decision on Ext.P7 in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of one month from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.